

**BEFORE THE BOARD OF DESIGN
REVIEW FOR THE CITY OF
BEAVERTON, OREGON**

After recording return to:
City of Beaverton, City Recorder:
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR DESIGN
REVIEW THREE APPROVAL TO CONSTRUCT A
MULTI-TENANT COMMERCIAL DEVELOPMENT
(VILLAGE ON SCHOLLS FERRY RETAIL). JOHN C.
RADOVICH DEVELOPMENT, APPLICANT.

) ORDER NO. 1866
) DR2005-0080 ORDER APPROVING REQUEST WITH
) CONDITIONS.
)
)

The matter came before the Board of Design Review on March 16, 2006, April 20, 2006, and May 11, 2006 on a request for Design Review Three approval to construct an approximately 34,135 square foot multi-tenant commercial development on tax lot 6900 of Washington County Assessor's Map 2S1 05BC, located at the southeastern corner of SW Scholls Ferry Road and SW Barrows Road, directly north of the existing intersection of SW Roshak Road. The proposal includes an approximately 25,000 square foot building located in the center of the site, an approximately 6,275 square foot building on the northern side of the site, and an approximately 2,850 square foot building with a drive-through at the southern edge of the development. The development includes landscaping, parking areas, site grading, and lighting improvements. A roundabout is proposed at the site's southerly entrance at the SW Barrows and SW Roshak intersection. In addition, a right-turn only access at the northeastern portion of the site to SW Scholls Ferry is

proposed. The subject parcel is zoned Neighborhood Service (NS) and is approximately 3 acres.

Pursuant to Ordinance 2050 (Development Code), Sections 50.15.2, 50.45 and 50.55 through 50.58, the Board of Design Review conducted a public hearing and considered testimony and exhibits on the subject proposal.

At the March 16, 2006 hearing, the applicant requested and the Board granted a continuance to a date certain of April 20, 2006. The applicant requested another continuance at the April 20, 2006 hearing and at that time, the Board granted a second continuance to a date certain of May 11, 2006.

The Board reviewed the applicant's submitted materials, written testimony from the public, and the Staff Report. Through the public hearings the Board accepted additional oral and written testimony from the applicant team and the public, and questioned City staff during staff's presentation.

New materials were submitted to the Board by the applicant addressing the Board, the public, and staff questions and concerns of the development proposal. Two staff memoranda were provided to the Board, dated April 13, 2006 and May 11, 2006. In response to the questions raised at the March 16, 2006 public hearing and submittal of additional roundabout design testimony, staff's April 13, 2006 memorandum and associated memorandum from City Transportation Engineer, Randy Wooley, dated April 13, 2006, responds to the applicant's resubmitted materials received on April 3, 2006, April 7, 2006, and April 11, 2006. Mr. Wooley's memorandum recommended three (3) conditions of approval in response to the

applicant potentially providing evidence that the abutting property owner, Orchard Glen Condominiums, is willing to work with the applicant in modifying the existing Orchard Glen fence location to assist in providing adequate sight distance in association with the proposed roundabout.

The Board agreed that the submitted letter from Orchard Glen Condominiums legal representative, Damon L. Henrie, provides satisfactory evidence that the Orchard Glen Condominium Association is actively working with the applicant to obtain the necessary Association approval to modify the existing fence along SW Barrows Road and abutting property line. For the applicant to ultimately meet the sight distance requirement for the roundabout, the Board found that reasonable and feasible conditions of approval could be adopted in regard to the roundabout design specifically to meet the sight distance requirement. The Board unanimously agreed that to satisfy the approved conditions of approval the applicant will need to provide evidence that the design of the roundabout and sight distance can be met prior to the issuance of any permits to work on the site or any work within the adjacent public rights-of-way associated with the project. In addition, prior to the issuance of the site development permit, the applicant shall provide and receive approval from staff a landscape plan for the roundabout vicinity including the right-of-way within the influence of the roundabout and the associated sight distance area. The plan shall include irrigation and maintenance responsibilities for those areas within the limits of the roundabout.

During the April 16, 2006 hearing, the Board heard testimony and identified issues of concern with the proposal, including but not limited to: the drive-through restaurant use, potential noise, garbage pick-up, hours of operation, the locations of the site's proposed refuse facilities, exterior masonry finish, corner entrances of the primary building directed towards Scholls Ferry and Barrows Roads, landscape islands within parking lots, concerns of the eastern elevation of the primary building, including the relationship of the building stairwell, façade, and buffering of the development to the Orchard Glen Condominium development, and general concerns associated with the roundabout, site traffic, and access into the site. The Board considered the proposed modifications, embellishments, and clarifications as described in the applicant's letter received on April 7, 2006 and through the oral testimony provided at the May 11, 2006 hearing. The Board adopts the modifications and explanations of the applicant's materials dated April 7, 2006 in regards to relocation of the refuse facilities to the western side of the site, reduction in size of the refuse structures, revised location for bicycle parking, the addition of landscape islands, revised parking lot layout, the revised landscape plan, and the addition of a trellis and vegetation to the south side of Building B along the drive through lane. The Board was also satisfied that through the original recommended condition of approval by the Facilities Review Committee, Tualatin Valley Fire and Rescue will review the final site and roadway improvements prior to the issuance of the site development permit.

The Board, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated March 9, 2006, and staff's memoranda dated April 13, 2006 and May 11, 2006, as applicable to the approval criteria contained in Section 40.03 and Section 40.20.15.3.C of the Development Code.

IT IS HEREBY ORDERED that DR2005-0080 is APPROVED, based on the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings, and conclusions found in the Staff Report dated March 9, 2006, as amended and staff's supplemental memoranda dated April 13, 2006 and May 11, 2006, subject to the following conditions of approval:

1. The Design Review application is contingent upon approval of the Minor Adjustment ADJ2005-0009 approval for the 2½ foot height increase of Building A must be approved or be built not to exceed the maximum building height of the NS zone.
 - A. **Prior to issuance of any construction permits of any type on tax lot 6900 if 2S1 05BC, or adjacent right-of-way improvements associated with this project the applicant shall:**
2. Demonstrate that a driver entering the roundabout can, at a point 15 feet in advance of the yield point, see an approaching vehicle circulating in the roundabout or a vehicle entering the roundabout on the nearest upstream approach when the approaching vehicle is a minimum distance of 185 feet away, measured along the travel path of the approaching vehicle. (DRG / Transportation)
3. Provide evidence that easements or similar measures are in place to assure that the City can maintain adequate sight distance in the future. The letter of agreement shall be included with the city's records on this project. (DRG / Transportation)

4. Provide evidence that the roundabout design was prepared under the supervision of a registered engineer with at least four (4) years of experience in the design of roundabouts. (DRG / Transportation)

B. Prior to issuance of the site development permit, the applicant shall:

5. Submit and receive approval for a Landscaping Plan of the roundabout and be approved by City staff prior to the project proceeds. The plan shall detail how ongoing maintenance and irrigation will be provided for the roundabout area. (Planning Commission)
6. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4303 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (February 2004, Resolution and Ordinance 2004-009), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
7. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4303; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
8. Have the ownership of the subject property guarantee all public improvements, storm water management (quality and quantity) facilities, site grading, private streets, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
9. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
10. Have obtained the City Building Official's approval of the proposed site utility plan for private plumbing needed to serve the development including

private fire suppression systems, backflow prevention measures, and regulated utility service locations outside the proposed building pads. (Site Development Div./JJD)

11. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the Scholls Ferry Road right of way. (Site Development Div./JJD)
12. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans. (Site Development Div./JJD)
13. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for storm system connections and any connection to an Agency sanitary-sewer trunk main (24 inches in diameter or larger). (Site Development Div./JJD)
14. Submit a completed 1200-C General Permit (DEQ/CWS/City Erosion Control Joint Permit) application to the City. (Site Development Div./JJD)
15. Submit a detailed water supply analysis (Fire Flow) to the City Building Official in accordance with the requirements of the Fire Code as adopted by the Tualatin Valley Fire and Rescue. (For more information, see http://www.tvfr.com/Dept/fm/brochures/fire_flow_and_hydrant_requirements.pdf) If needed, this analysis shall include an actual flow test and analysis by a professional engineer meeting the standards set by the City Engineer. The analysis shall provide the available water volume (GPM) at 20 psi residual pressure from the fire hydrant nearest to the proposed project. (Site Development Div./JJD)
16. Provide plans that do not show a waterline connection to the system in Scholls Ferry Road. The plans shall reflect a new public water line system (12-inch diameter) connecting to the existing public waterline stub at the eastern property line in the pedestrian connection. The system shall be extended to connect to the existing 16 inch diameter line in Barrows Road at a point north and west of the existing Beaverton/Tigard master meter vault. Any extra-capacity water facility improvements, as defined and determined by the City Utilities Engineer, shall be eligible for system development charge credits to be assigned to building permit applications within the development.
17. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and

plumbing systems on and adjacent to the site with the site development permit application.

18. Provide increased stormwater detention and surface water runoff treatment volume. The magnitude of the increase that will be required will be determined by the City Engineer during the site development application plan review process. (Site Development Div./JJD)
19. Submit to the City a certified impervious surface determination of the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site or individual lots if applicable. (Site Development Div./JJD)
20. Submit a copy of issued permits or other approvals needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers (for work within a jurisdictional wetland). (Site Development Div./JJD)
21. Provide plans showing a stormfilter system (for treatment of the site's piped surface water runoff) with a minimum of 3.0 cartridges per impervious acre tributary to the filter system. Plans shall also show a trash capture water quality pre-treatment manhole (CDS manhole or City of Beaverton approved equivalent as determined by City Engineer) located in front any stormfilter vaults. Plans shall also show a high flow bypass system to bypass surface water runoff high flows (flows greater than the 5-year design storm) around the stormfilters. (Site Development Div./JJD)
22. Submit a design for the retaining walls surrounding, adjacent, and within the storm water facility designed by a civil engineer or structural engineer for the expected hydrological conditions of the pond. These retaining walls shall be watertight for all areas of earthen fill or where deemed necessary by the City Engineer. This review is in addition to any City Building Division application or permitting review required for the pond retaining walls. (Site Development Div./JJD)
23. The plans shall show access and parking off-street for a maintenance vehicle to the existing Beaverton/Tigard water master meter vault and associated

facilities as specifically approved by the City Utilities Engineer. This shall include any necessary strengthened sidewalk sections and other accommodations to allow for heavy maintenance vehicles to access the vault. (Site Development Div./JJD)

24. Provide plans for street lights (Option C unless otherwise approved by the City Operations and Maintenance Director) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
25. Provide plans showing a City standard commercial driveway apron at the intersection of any private, common driveway and a public street. (Site Development Div./JJD)
26. Provide evidence that SW Scholls Ferry driveway intersection meet City and County requirements for intersection sight distance. No obstructions shall be placed within the driveway intersection sight vision triangle except as provided by City Ordinance, including but not limited to parking. New and existing driveway intersections shall meet sight distance criteria in the City's Engineering Design Manual for the design speed of the roadway. (DRG / Transportation)
27. Provide plans to provide bicycle parking based on the development of 22,900 sq ft of commercial, 4,500 sq ft of bank and 2,500 sq ft of fast food and based on the bicycle parking requirements of Development Code Section 60.30.10.5. There is a need for two (2) covered and lighted long term spaces and two (2) short term spaces for each of the commercial, bank and fast food uses. Short term spaces are to be within 50 feet of the primary entrance door. (DRG / Transportation)
28. Provide plans that show the construction of a roundabout to accommodate a WB-50 design vehicle based on ODOT and FHWA design standards and the Group Mackenzie Traffic Analysis at the intersection of SW Barrows and SW Roshak. (DRG / Transportation)
29. Dedicate right of way for the proposed roundabout as required to accommodate a WB-50 design vehicle and ODOT and FHWA design standards and the Group Mackenzie Traffic Analysis. (DRG / Transportation)

30. Dedicate right of way on the south side of SW Scholls Ferry Road to Washington County Arterial Street Standards for the frontage of the site. (DRG / Transportation)
31. Provide plans that show widening the south side of SW Scholls Ferry Road to Washington County Arterial Street Standards for the frontage of the site. (DRG / Transportation)
32. Provide plans that show re-striping of the existing right turn lane eastbound on Scholls Ferry Road at Barrows to provide a shared through/right turn lane. (DRG / Transportation)
33. Provide plans that show construction of a raised median in Scholls Ferry Road at the new driveway approach to prevent left turns into and out of the drive. (DRG / Transportation)
34. Provide plans that show construction of a raised median on Barrows Road from Scholls Ferry Road south to the roundabout at Roshak.
35. Dedicate 12 feet of additional right of way on the east side of SW Barrows Road, at the intersection of SW Scholls Ferry Road, to accommodate future construction of a northbound bicycle lane and right turn lane with a minimum of 175 feet of storage. (DRG / Transportation)
36. Provide plans that show construction of a raised median on Barrows Road from Scholls Ferry Road south to the roundabout. (DRG / Transportation)
37. Provide plans that show re-striping the Barrows approach to Scholls Ferry Road to provide a left turn lane and shared left/through/right lane with minimum storage of 225 feet. (DRG / Transportation)
38. Provide plans that show revising the signal timing of the Scholls Ferry/Barrows intersection as recommended in the Group Mackenzie Traffic Analysis. (DRG / Transportation)
39. Provide plans that show the widening of Scholls Ferry Road west of Barrows Road to provide two westbound receiving lanes for a minimum of 300 feet plus taper. (DRG / Transportation)
40. Provide evidence that Washington County has issued a Facility Permit and financial assurance for any work required within the right of way of SW Scholls Ferry Road and SW Barrows Road. (DRG/Transportation)

C. Prior to building permit issuance, the applicant shall:

41. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
42. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
43. Submit to the City a certified impervious surface determination of the entire proposed project prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total. In addition, specific types of impervious area totals, in square feet, shall be given for roofs, parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of the total final impervious surfaces areas on the entire site or individual tax lots if applicable. (Site Development Div./JJD)
44. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed for the entire development (parking, three buildings, and common driveways) with the building permit for the large retail building in the center of the site. (Site Development Div./JJD)
45. Design Review approval shall be valid. In accordance with Section 50.90.1 of the Development Code, Design Review approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (TR/Development Services)
46. Receive approval from the Director for the architecturally treated review of all concrete walls greater than six feet in height. (TR/Development Services)

D. Prior to certificate of occupancy permit issuance, the applicant shall:

47. Demonstrate to the Project Planner that there are no individual tenant spaces over 7,000 square feet in size. (TR/Development Services)
48. Provide adequate screening from view for all ground and wall mounted utilities and equipment located adjacent to public streets. (TR/Development Services)

49. Have substantially completed the site development improvements as determined by the City Engineer, including Option C streetlights being fully functional. (Site Development Div./JJD)
50. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage, as determined at site development permit issuance. (Site Development Div./JJD)
51. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
52. Have obtained an Industrial Sewage Permit from the Clean Water Services District (CWS, formerly USA) and submitted a copy to the City Building Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div./JJD)
53. Show all site development and landscaping shall be carried out in accordance with the plan marked "Exhibit A". (On file at City Hall) (TR/Development Services)
54. Show all construction shall be carried out in accordance with the color and materials board marked "Exhibit B", as approved by the Board. (On file at City Hall) (TR/Development Services)
55. Show all construction shall be carried out in accordance with the elevations and plans marked "Exhibit C". (On file at City Hall) (TR/Development Services)
56. Show all landscaping required and approved by the Board for commercial projects shall be installed unless security equal to 110 percent of the cost of the landscaping is filed with the City assuring such installation within six months of occupancy. All security bonds submitted must itemize major items in terms of cost. (TR/Development Services)
57. Show deciduous have straight trunks, be fully branched, have a minimum caliper of 1-1/4 inches and a minimum height of 8 feet at the time of planting. Deciduous trees can be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (TR/Development Services)

58. Show evergreen trees are balled and burlapped or in suitable containers in which the tree has grown for one year. The ball of each tree shall be firm and the burlap sound; no loose ball or made ball will be accepted. Each tree shall be a minimum of 6 feet in height, fully branched, and adequately staked at the time of planting. (TR/Development Services)
59. Show groundcover plantings shall be planted on a maximum of 30 inches on center and 30 inches between rows. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container or a 2-1/4 inch container if planted 18 inches on center. (TR/Development Services)
60. Show shrubs used are supplied as shown on the approved Landscape Plan or in minimum one-gallon containers or 8 inch burlap balls with a minimum spread of 12 inches to 15 inches whichever is greater. (TR/Development Services)
61. Show landscape areas to be planted in grass, sod shall be placed from October 1 to May 1. Grass seed shall be an option at other times of the year. (TR/Development Services)
62. Ensure that installation of an approved irrigation system has taken place providing for the longevity of all landscaping. Further, landscaping shall be maintained by weeding, pruning, and replacing as necessary. (TR/Development Services)
63. Show all ground based equipment is screened from public view as approved by the Planning Director. (TR/Development Services)

E. Prior to occupancy permit issuance of a fast food restaurant in Building B, the applicant shall:

64. Clearly demarcate the first two (2) southern parking spaces directly across the egress point of the drive through lane as "Reserved Drive-Up Service Parking." (TR/Development Services)
65. Provide a report to the City's Project Planner that the installed communication sound system for the drive-through facility will not exceed a measurement of 55 decibels at the adjoining property lines, specifically at the closest point from the communication system to the SW Barrows Road property line. By meeting this decibel level at Barrows Road the eastern property line should be decibel level should be met but the report must include decibel readings at the eastern property line.

F. Prior to occupancy permit issuance of a financial institution in Building C, the applicant shall:

- 66. Ensure that the outside lane of the three (3) lanes be void of ATM or teller facilities. (TR/Development Services)
- 67. Provide a report to the City's Project Planner that the installed communication sound system for the drive-through facility will not exceed a measurement of 55 decibels at the adjoining property lines, specifically at the closest point from the communication system to the SW Scholls Ferry Road property line. By meeting this decibel level at Scholls Ferry Road the eastern property line should be decibel level should be met but the report must include decibel readings at the eastern property line. (TR/Development Services)

G. Prior to release of performance security, the applicant shall:

- 68. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
- 69. Submit any required on-site easements if not already granted by the partition plat, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
- 70. Provide an additional performance security for 100 percent of the cost of twice-a-year (6-month interval) cleaning, maintenance, and filter recharge/replacement by Stormwater360, Inc., for the StormFilter cartridges for a two-year period, as determined by the City Utilities Engineer. Alternatively, provide evidence satisfactory to the City Utilities Engineer of a pre-paid service contract with Stormwater360, Inc., for maintenance of the StormFilters consisting of cartridge replacement and sediment removal per manufacture's recommendations for a two year period from the date of performance acceptance of each respective system. (Site Development Div./JJD)

71. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the treatment vegetation within the surface water quality facility, vegetated corridor, and the wetland mitigation areas, as determined by the City Engineer and as mandated by the Clean Water Services service provider letter. If the plants are not well established (as determined by the City Engineer and City Operations Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Operations Director prior to release of the security. (Site Development Div./JJD)

CARRIED by the following vote:

AYES: Soth, Beighley, King, Nye, Scott, Steiger, and Doukas.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

Dated this _____ day of _____, 2006.

To appeal the decision of the Board of Design Review, as articulated in Land Use Order No. 1866, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Recorder's Office by no later than 5:00 p.m. on _____, 2006.

BOARD OF DESIGN REVIEW
FOR BEAVERTON, OREGON:

ATTEST:

APPROVED:

TYLER RYERSON
Associate Planner

MIMI DOUKAS
Chair

STEVEN A. SPARKS, AICP
Development Services Manager